

Message Text

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PAGE 01 MEXICO 01287 241749Z
ACTION H-02

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E.O. 11652: NA
TAGS: CASC (BOND, WILSON, JR.)
SUBJECT: W/W:WILSON BOND, JR. - TREATMENT OF AMERICAN
TOURISTS

REF: OM FROM DEPARTMENT DECEMBER 30, 1977; LETTER FROM
SENATOR WALTER D. HUDDLESTON, DECEMBER 20, 1977.

H PASS: THE HONORABLE WALTER D. HUDDLESTON, UNITED STATES
SENATE, WASHINGTON, D.C., FROM VERNON D. MCANINCH, CONSUL
GENERAL.

ASSISTANT SECRETARY DOUGLAS J. BENNET, JR., HAS ASKED ME TO
REPLY TO YOUR COMMUNICATION OF DECEMBER 20, 1977, SENT IN
BEHALF OF YOUR CONSTITUENT, MR. WILSON BOND, JR. IN A
POSTSCRIPT TO HIS LETTER TO YOU DATED NOVEMBER 11, MR. BOND
COMPLAINED ABOUT THE TREATMENT OF AMERICAN TOURISTS IN-
VOLVED IN AUTOMOBILE ACCIDENTS IN MEXICO.

THE LAW OF MEXICO AND MANY OTHER COUNTRIES HAVING A LEGAL
SYSTEM BASED UPON THE ROMAN AND NAPOLEONIC CODES REQUIRES
THAT THE POLICE DETERMINE THE RESPONSIBLE PARTIES IN
ACCIDENTS INVOLVING DEATH, INJURY OR DAMAGE TO PROPERTY,
WITH A VIEW TO PROSECUTING HIM OR HER IN SOME CASES OR
PRESERVING THE RIGHTS OF THE VICTIM IN OTHERS. BECAUSE
THIS MAY TAKE SOME TIME, THE LAW AUTHORIZES
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THE POLICE TO DETAIN INVOLVED PARTIES UNTIL A DETERMINATION
OF RESPONSIBILITY IS REACHED.

DEPENDING UPON THE CIRCUMSTANCES OF THE ACCIDENT, AN
INSURER MAY BE WILLING TO MAKE SUFFICIENT GUARANTEES TO
THE POLICE TO AVOID THE DETENTION OF A PERSON INVOLVED IN
AN ACCIDENT WHO IS PROPERLY INSURED. IN MEXICO CITY AND

SOME OTHER LARGER CITIES, A PERSON INVOLVED IN AN ACCIDENT MAY AVOID DETENTION BY POSTING A BOND TO GUARANTEE HIS PRESENCE WHEN A DETERMINATION OF RESPONSIBILITY IS MADE, AND TO COVER POSSIBLE DAMAGES.

LAW ENFORCEMENT OFFICIALS IN MEXICO DO NOT ORDINARILY CONFISCATE PROPERTY IN CONNECTION WITH AN ACCIDENT. IT DOES OCCASIONALLY HAPPEN THAT SUCH AN OFFICER WILL ASK FOR MONEY OR ITEMS OF VALUE IN RETURN FOR NOT REPORTING THE ACCIDENT AND DETAINING THE PERSON INVOLVED. THIS IS, OF COURSE, STRICTLY AGAINST MEXICAN LAW AND ALL SUCH INSTANCES OUGHT TO BE REPORTED AS SOON AS POSSIBLE TO THE EMBASSY OR NEAREST AMERICAN CONSULAR OFFICE. IN ORDER FOR THE EMBASSY OR CONSULAR OFFICE TO PURSUE THE MATTER, IT IS NECESSARY FOR THE AMERICAN INVOLVED TO PROVIDE A FULL WRITTEN STATEMENT OF THE CIRCUMSTANCES, IDENTIFYING INsofar AS POSSIBLE, THE LAW ENFORCEMENT OFFICIAL WHO REQUESTED THE MONEY OR ITEMS OF VALUE.

ASSUMING THAT MR. BOND'S LETTER TO YOU STEMS FROM A RECENT PERSONAL EXPERIENCE, I WOULD APPRECIATE IT IF YOU WOULD ASK HIM TO FURNISH ME WITH FULL DETAILS OF THE INCIDENT. I WILL BE GLAD TO LOOK INTO THE MATTER. LUCEY

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